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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,418	01/06/2004	Yoji Tanaka	0051-0216P	3183
2292	7590	03/24/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			LEE, EDMUND H	
			ART UNIT	PAPER NUMBER

1732

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/751,418

Applicant(s)

TANAKA ET AL.

Examiner

EDMUND H. LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/821,074.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/6/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. The abstract of the disclosure is objected to because the word "source" appears to be wrong. It should be --sauce--. Correction is required. See MPEP § 608.01(b).
2. The disclosure is objected to because there are numerous idiomatic errors such as the word "source" (pg 1, ln 6) appears to be wrong.

Appropriate correction is required.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "inserting...of the tube" (cl 1, lns 11-16) is confusing because it is idiomatically incorrect.

Correction is required.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sutch (USPN 3836063) in view of JP 2000016453. Sutch teaches the basic claimed process including a method of manufacturing a plastic container comprising a tube of a plastic laminate, a bottom wall formed so as to be joined integrally to an inner circumference of a lower end part of the tube, a hoop formed so as to be joined integrally to an outer circumference of an upper end part of the tube (col 1, ln 50-col 2, ln 57; figs 1-2);

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forming the tube by rolling a plastic laminate in a tubular shape (col 1, ln 50-col 2, ln 57; figs 1-2); putting the tube on a mandrel (col 1, ln 50-col 2, ln 57; figs 1-2); inserting the mandrel holding the tube into a mold so that a first molding cavity connected to a runner is formed in the mold to form the bottom wall and a second molding cavity connected to a runner is formed in the mold to form the hoop (col 1, ln 50-col 2, ln 57; figs 1-2); and injecting a molten resin through the runners into the first and second cavity by an insert injection means (col 1, ln 50-col 2, ln 57; figs 1-2). Sutch, however, does not teach bonding a top cover with a spout to an upper end surface of the hoop. JP 2000016453 teaches a top cover having a spout that is bonded to an open end of a container. Sutch and JP 2000016453 are combinable because they are analogous with respect to containers. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to bond the top cover with a spout of JP 2000016453 to the open-end surface of the hoop of Sutch in order to form a container having a spout.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 11189276 A in view of JP 2000016453. JP 11189276 A teaches the basic claimed process including a method of manufacturing a plastic container comprising a tube of a plastic laminate, a bottom wall formed so as to be joined integrally to an inner circumference of a lower end part of the tube, a hoop formed so as to be joined integrally to an outer circumference of an upper end part of the tube (abstract; figs 1-5); forming the tube by rolling a plastic laminate in a tubular shape (abstract; figs 1-5); putting the tube on a mandrel (abstract; figs 1-5); inserting the mandrel holding the tube into a mold so that a first molding cavity connected to a runner is formed in the mold to

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form the bottom wall and a second molding cavity connected to a runner is formed in the mold to form the hoop (abstract; figs 1-5); and injecting a molten resin through the runners into the first and second cavity by an insert injection means (abstract; figs 1-5). JP 11189276 A, however, does not teach bonding a top cover with a spout to an upper end surface of the hoop. JP 2000016453 teaches a top cover having a spout that is bonded to an open end of a container. JP 11189276 A and JP 2000016453 are combinable because they are analogous with respect to containers. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to bond the top cover with a spout of JP 2000016453 to the open-end surface of the hoop of JP 11189276 A in order to form a container having a spout.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents illustrate the state of the art: USPN 4769095; USPN 4258529; USPN 6185906; and JP 1-171843 A .

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDMUND H. LEE
Primary Examiner
Art Unit 1732

EHL


3/14/05